

IN RE PETITION FOR ZONING VARIANCES * BEFORE THE
658 AND 660 KENILWORTH DRIVE * DEPUTY ZONING COMMISSIONER
FOURTH COUNCILMANIC DISTRICT * OF BALTIMORE COUNTY
NINTH ELECTION DISTRICT * CASE NO.: 92-105-A
HERITAGE PROPERTIES, INC., ET AL *
LEGAL OWNERS AND PETITIONERS *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This case comes before the Deputy Zoning Commissioner on a Petition for Zoning Variances to permit the following variances from the Baltimore County Zoning Regulations (BCZR):

- (i) to permit a front yard of 3 feet in lieu of the 40-foot required per Section 250.1 BCZR;
- (ii) to permit a proximity of 42 feet \pm to a residential zone line in lieu of the required 100 feet per Section 250.4 BCZR;
- (iii) to permit a rear yard of 5 feet in lieu of the 40 feet required per Section 250.3 BCZR;
- (iv) to permit a proximity of 32 feet \pm to a residential zone line in lieu of the required 100 feet per Section 250.4 BCZR;
- (v) to permit a side yard of 10 feet in lieu of the required 30 feet per Section 250.2 BCZR;
- (vi) to permit (existing) off-street parking to be within 4 feet of a residential zone line in lieu of the permitted 25 feet per Section 250.6 BCZR;

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By [Signature]

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would be no adverse impact on any surrounding property if the variances were granted and that clearly, the granting of each of the variances is within the spirit and intent of the BCZR.

Finally, Mr. Guckert's testimony was proffered by counsel who stated that the intersection of Kenilworth Drive and West Road is currently functioning at Level of Service A and that the proposed medical offices or clinics would generate only minimal traffic in the peak hours. Therefore, it was proffered that there would be no adverse impact on traffic if any of these variances were granted and the project was constructed.

Section 307.1 of the BCZR states that the Baltimore County Zoning Commissioner and Deputy Zoning Commissioner shall have the power to grant variances from an area regulation where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

In reviewing the Petition, it must be kept in mind that "[t]he standard for granting a variance ... is ... whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Solay, 270 Md. 208, 213, 310 A.2d 783 (1973).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of

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- (vii) to permit an open structural canopy to extend into a 30 foot side yard by 60 percent (18 feet) in lieu of the permitted 25 percent (7.5 feet) per Section 301.1 BCZR;
- (viii) to permit direct access parking spaces on driveways in lieu of no-direct access per Section 409.4 BCZR; and
- (ix) to permit a F.A.R. of .85 in lieu of the permitted .6 per Section 250.5 BCZR.

The Petitioner, Heritage Properties, Inc., by Michael J. Batza, Jr., President, appeared and was represented by Robert A. Hoffman at Venable, Baetjer and Howard. Also appearing on behalf of the Petitioner were James Kline of the engineering firm of G. W. Stephens, Jr.; William F. Kirwin, an expert land planner with William F. Kirwin, Inc.; Shesh Shastry of the firm of Gaudreau, Inc., architects; and John Weston Guckert, an expert traffic consultant. Upon motion of the Petitioner, a revised plat was accepted as Petitioner's Exhibit 1, which conforms with the CRG plan approved on October 3, 1991. Additionally, the first requested variance was modified and reduced to permit a 15-foot front yard in lieu of a 40-foot required, and the second variance was modified to permit a proximity of 55 feet \pm to a residential zone line in lieu of the required 100 feet under Section 250.4 BCZR.

Additionally, the Zoning Supervisor, James E. Dyer, submitted a written comment in this case file dated October 4, 1991 and making reference to Case No. R-79-19. The Petitioner in this case has

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the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested, pursuant to the Petitions for Zoning Variances should be granted.

THEREFORE, pursuant to the site plans marked Exhibit No. 1, it is ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 14th day of November, 1991, the Petition for the following variances is hereby GRANTED:

- (i) to permit a front yard of 15 feet in lieu of the 40-foot required per Section 250.1 BCZR;
- (ii) to permit a proximity of 55 feet \pm to a residential zone line in lieu of the required 100 feet per Section 250.4 BCZR;
- (iii) to permit a rear yard of 5 feet in lieu of the 40 feet required per Section 250.3 BCZR;
- (iv) to permit a proximity of 32 feet \pm to a residential zone line in lieu of the required 100 feet per Section 250.4 BCZR;

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submitted a copy of that Opinion and Order by the County Board of Appeals of Baltimore County which granted a reclassification from DR-5.5 to MLR for a portion of the property that is the subject of this Petition for Zoning Variance. That Order also contained a restriction that the office building now known as 658 Kenilworth Drive must be constructed as set out on Petitioner's Exhibit 2 in that case. The Petitioner in this case argues that the Board of Appeals at that time could not impose restrictions pursuant to a documented site plan, as that legislation was not then in effect. However, the engineer in the subject case has confirmed that the existing two-story office building at 658 Kenilworth Drive was constructed in a location and manner consistent with Petitioner's Exhibit 2 in Case No. R-79-19. Therefore, no additional zoning relief, other than that applied for here, is necessary to construct new improvements shown on Petitioner's Exhibit No. 1.

Mr. Batza testified on behalf of the Petitioner, Heritage Properties, Inc., which is one of the Meridian Companies, a well-known health-care provider in this County and State. Mr. Batza indicated that Heritage Properties is the contract purchaser of 658 Kenilworth Drive and is the current owner of 660 Kenilworth Drive. Heritage plans to construct a new 20,000-square-foot building to house medical offices and clinics, and a parking garage in order to create a campus-like office park to serve the growing needs of an existing medical user known as Clinical Associates, Inc. The redevelopment of this site would allow for the expansion of Clinical Associates and provide better access for patients and employees from

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- (v) to permit a side yard of 10 feet in lieu of the required 30 feet per Section 250.2 BCZR;
- (vi) to permit (existing) off-street parking to be within 4 feet of a residential zone line in lieu of the permitted 25 feet per Section 250.6 BCZR;
- (vii) to permit an open structural canopy to extend into a 30 foot side yard by 60 percent (18 feet) in lieu of the permitted 25 percent (7.5 feet) per Section 301.1 BCZR;
- (viii) to permit direct access parking spaces on driveways in lieu of no-direct access per Section 409.4 BCZR; and
- (ix) to permit a F.A.R. of .85 in lieu of the permitted .6 per Section 250.5 BCZR.

Subject to the following restrictions:

- (1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- (2) The uppermost level of the parking garage shall be treated either architecturally, with plantings, or with paint in order to visually soften that level's appearance. The Deputy Director of Planning shall be consulted on the method for such softening chosen by the Petitioner.
- (3) Prior to the issuance of any building permits, Petitioners shall submit a landscaping plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of

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By [Signature]

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parking areas to the office buildings. Mr. Batza testified that it is essential that the proposed parking structure and office buildings remain in close proximity to each other in order to accommodate the patients. Mr. Batza also testified that the proposed parking structure is being constructed in order to alleviate an existing parking problem that occurs along Kenilworth Drive, West Road and on various other parking lots in the area, including the Colony Apartments located across Kenilworth Drive.

Mr. Batza testified that because of the need for additional parking and the need for additional medical office space to allow for the expansion of Clinical Associates, and because of the need to keep all structures in close proximity to each other, all the variances are absolutely essential in order to construct the project. Therefore, clearly, a practical difficulty would exist if each of the variances were not granted.

Mr. Batza also testified as to the surrounding uses in close proximity to this property and testified that there would be no adverse impact on any neighboring property if any of the variances were granted.

Mr. Shastry, an architect with Gaudreau, Inc., testified that in his opinion there would be no adverse impact on any surrounding property if this property were developed in accordance with Petitioner's Exhibit 1.

Mr. Kirwin additionally testified that because of the shape of the site, the project could not be developed without the requested variances. Mr. Kirwin also testified that in his opinion there

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the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.
(4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

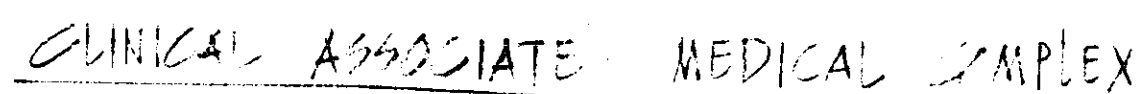
RAH/tls

[Signature]
Timothy M. Kotroco
Deputy Zoning Commissioner

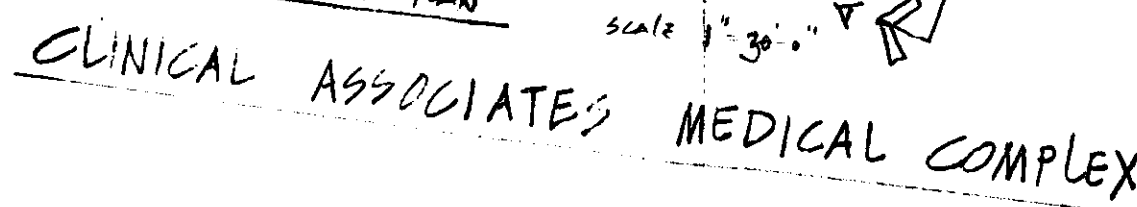
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Date 11/14/91
By [Signature]

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EXHIBIT 2

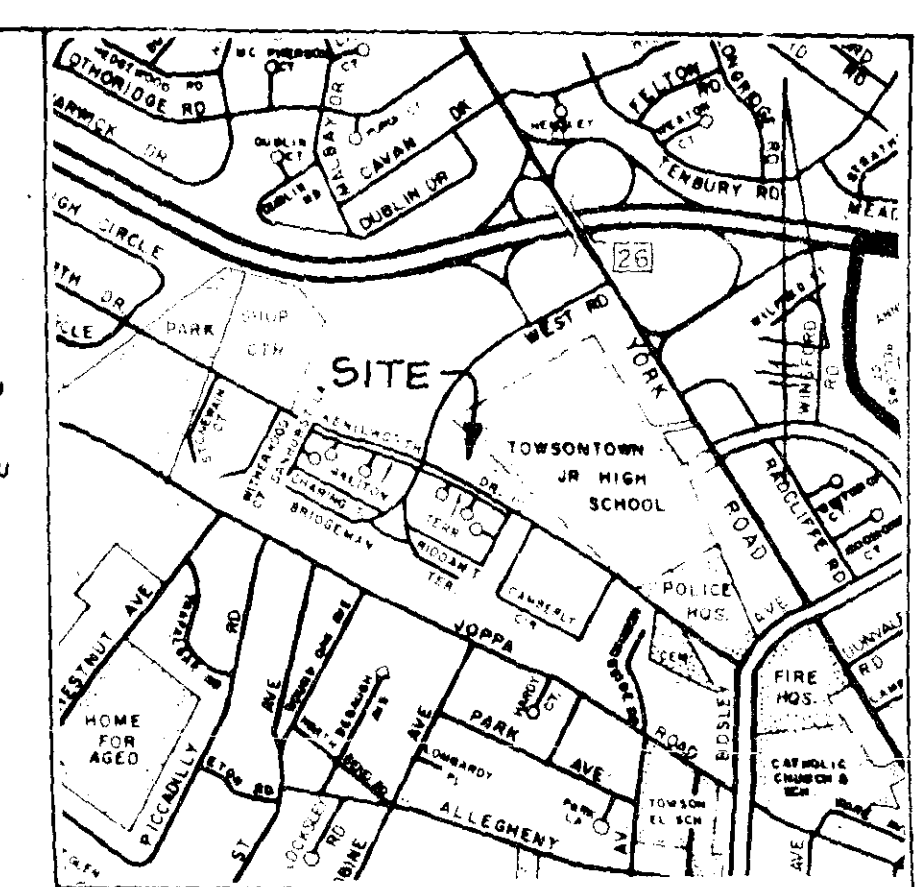
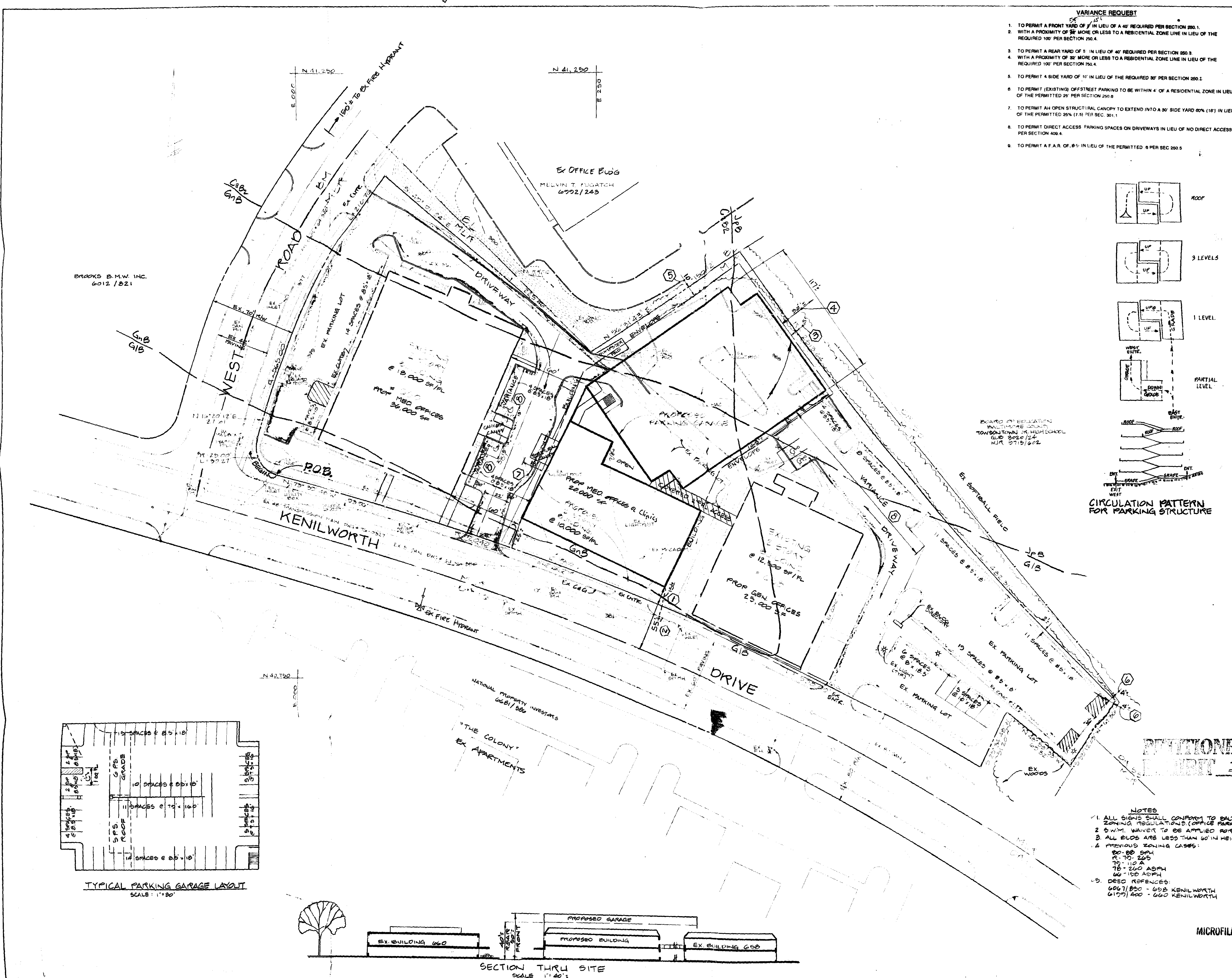


DATE: 7/27/88



DATE 9/27/20

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VICINITY MAP
SCALE : 1" = 1000'

ZONING REGULATIONS

250.1--Front Yard--The front building line shall be not less than 60 feet from the front boundary line of a lot.

250.3--Rear Yard--40 feet in depth measured from the rear property line. (See also Section 301.3); [Bill No. 56, 1961.]

250.4--Proximity of structures to Residential Zones--No

250.4--Off-street parking and loading areas shall be in accordance with the requirements of Section 409, but no parking is permitted within 25 feet of any residential zone boundary. Parking areas shall be paved, and any lighting thereof shall be reflected away from residential zones, and, if on standards, lights shall not exceed the

101.2--Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and ledges may

where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.

space (whether or not a floor is laid) with structural headroom of seven feet or more; d) floor space of interior balconies or mezzanines; e) except in an R-2 zone (Bill No. 126, 1986), above-grade floor space used for accessory offstreet parking spaces; f) any other floor space not specifically included. The adjusted gross floor area of a building shall not include: a)

Floor Area, Gross: The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of exterior walls and from the center line of walls separating two or more buildings, but not including floor area used for

SITE DATA

NOTES

1. ALL SIGNS SHALL CONFORM TO CALTO CO. ZONING REGULATIONS (OFFICE PARK)
2. 5' MIN. WAIVER TO BE APPLIED FOR
3. ALL BUDS ARE LESS THAN 60' IN HEIGHT
4. PREVIOUS ZONING CASES:
80-00 SPH
R-10-265
79-110 A
78-260 ASPH
66-100 ASPH
5. DEED REFERENCES:
6067/800 - 653 KENILWORTH
6197/400 - 660 KENILWORTH

* INCLUDES 10 HANDICAP SPACES
109 SMALL CAR SPACES
 $(109 + 451) = 26\%$
MED. PARKING RATIO 360 FOR MEDICAL =
657/1000

104 PARTIAL (RECORDING CHARGE) \$20.00 513, 996 = .47

**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE**
CLINICAL ASSOCIATES MEDICAL COMPLEX
6580660 KENILWORTH DRIVE
OFFICE PARK

BALTIMORE COUNTY, MD
SCALE: 1" = 30'

ELECTION DISTRICT⁴
DATE: AUGUST 23, 1991
C-24

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KILLWORTH DRIVE, SUITE 100
 TOWSON, MARYLAND 21204
 (301) 425-6120

[illegible]

OWNER
650 KENIL WORTH DRIVE
KENILWORTH LIMITED PARTNERSHIP
% MCKENZIE PROPERTIES INC.
GENERAL PARTNER
2828 WEST JOPPA ROAD
SUITE 200 LUTHERVILLE, MO 21093
821-8889

OWNER/DEVELOPER
GWC ASSOCIATES
GENERAL PARTNER M.D. ASSOCIATES I
% HERITAGE PROPERTY INC.
515 FAIRFAX AVE
TOWSON, MD 21204
410-8055

REV. 10/28/81 I CHANGED SETBACK & PLUG ENVELOPE OF PROP. BLOW,
ADDED ADDITIONAL EX. FIRE HYDRANTS, ADJUSTED DRIVE FROM
PARKING LOT TO BUILDING STRUCTURE, ADJUSTED SECTION, CIRCULAR
PARKING & PARKING GARAGE LAYOUT. CERTAIN CHANGES NO. OF P.S.
IN SITE DATA NOTE 09, ADDED (OFFICE PARK) TO NOTE #1'S
TITLE

TO: PLAT (EXCLUDING CHARGES)

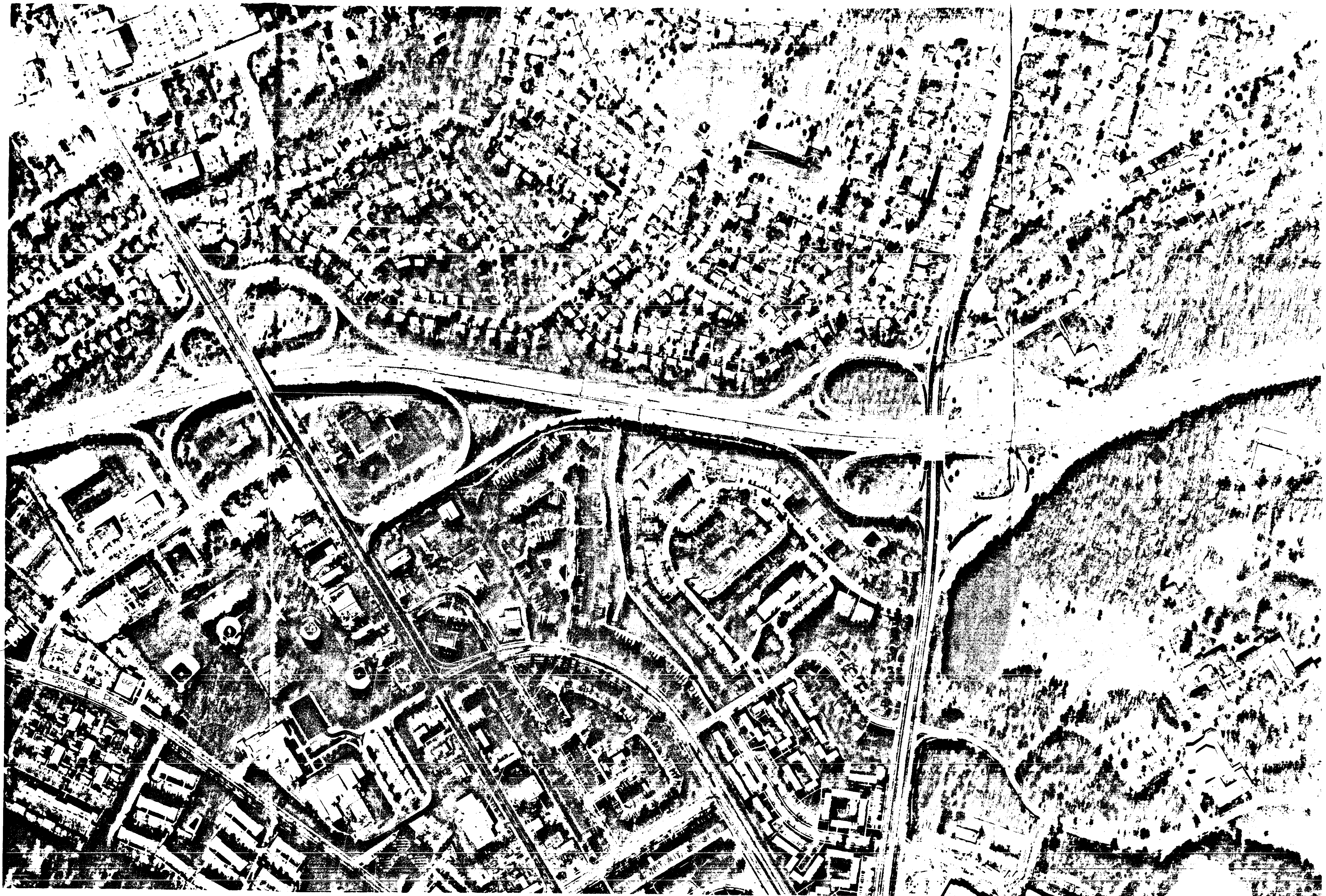
**PLAT TO ACCOMPANY
FOR ZONING VARIATION**

CLINICAL ASSOCIATES MEDICAL
658/0660 KENILWORTH DRIVE
OFFICE PARK

BALTIMORE COUNTY, MD

SCALE: 1" = 30'

PETITION
NCE
COMPLEX
VE
ELECTION DISTRICT 4
DATE: AUGUST 23 1991
C-24



CLUBB
ASSOCIATES
SITE
VARIANCES
FILED 8-28-91
WITH JONHAGAN DEC

#106

92-105-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

TOWSON

SHEET

N.E.
11-A

66-158 ASPH

78-260-
ASPH

R 79-19

**PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSION OF BALTIMORE COUNTY
Edward H. Dickinson & Co., Inc.
1400-100

Legal owner, of the property situate in Baltimore County and which is described in the description and part attached hereto and made a part hereof.

Apply for a Variance from Section 222.2 (of 1955 Regulations) to permit a 100' lot to be used for 100' from center line of side street, and Section 222.3 to permit parking of 100' from Residential Zone in lot of 20' (1955 Regulations).

The subject tract is a remnant of a large M. R. zone which has been cut off by the 100' high line and is situated on the 100' high line. The property is contiguous on the 100' high line to the public. The subject tract contains 1.7 acres and cannot be developed without said variance.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. It is so agreed to by the applicant and the Zoning Commission. Upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Current petition: Address: _____
Petitioner's Attorney: _____
Address: _____
Petitioner's Attorney: _____

Address: _____
Petitioner's Attorney: _____
Address: _____
Petitioner's Attorney: _____

ORDERED By The Zoning Commission of Baltimore County, Md., on the _____ day of _____, 1955, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 100, County Office Building in Towson, Baltimore County on the _____ day of _____, 1955, at 10:00 o'clock.

ORDER RECEIVED FOR FILING

DATE: _____

100' from center line of side street, and Section 222.3 to permit parking of 100' from Residential Zone in lot of 20' (1955 Regulations).

R-79-19 (79-265)

Microfilm 69-84
(Part of instant case 92-105)

Microfilm Copy of 79-110
(Part of instant case 92-105)

Microfilm Copy of 79-263-A
(Part of instant case 92-105)

Microfilm Copy of 80-88
(part of instant case 92-105)



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 14, 1991

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW Corner Kenilworth Drive at West Road
(558 Kenilworth Drive)
9th Election District - 4th Councilmanic District
660 Associates, General Part. and Kenilwest Ltd. Part. - Petitioner
Case No. 92-105-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Ketroco
TIMOTHY M. KETROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

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FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
608 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

92-105-A

Plat to Accompany a
Zoning Petition for Variance.

August 28, 1991

RE: 658-660 Kenilworth Drive

Beginning at a point located at the intersection of the east side of West Road and the north side of Kenilworth Drive, thence in a clockwise direction:

- 1 - A curve to the right (westerly) with a radius of 25.00 feet and a length of 39.27 feet;
 - 2 - North 16° 20' 12" East 27.61 feet;
 - 3 - A curve to the right (easterly) with a radius of 565.00 feet and a length of 216.76 feet;
 - 4 - South 49° 01' 24" East 225.46 feet;
 - 5 - North 56° 31' 43" East 150.42 feet;
 - 6 - A curve to the left (easterly) with a radius of 2,513.64 feet and a length of 482.31 feet;
 - 7 - South 33° 12' 03" West 67.36 feet;
 - 8 - North 48° 59' 33" West 69.82 feet;
 - 9 - South 25° 34' 48" West 51.20 feet;
 - 10 - A curve to the left (westerly) with a radius of 2,040.00 feet and a length of 538.09 feet; and
 - 11 - North 73° 39' 48" West 93.96 feet to the place of beginning.
- Containing 3.35 acres of land more or less.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.



PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-105-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section _____
(See Attached)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

to be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Heritage Properties, Inc.
(Type or Print Name)

Signature _____
515 Fairmount Avenue
Address

Towson, Maryland 21204
City and State

Attorney for Petitioner:

John B. Howard, Esquire
(Type or Print Name)

Signature _____
Venable, Baetjer and Howard
City and State

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-4111

210 Allegheny Avenue
Address

Towson, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the public hearing be held before the Zoning Commissioner of Baltimore County

County, on the _____ day of _____, 19____, at _____ o'clock

_____ M.

_____ Zoning Commissioner of Baltimore County.

DATE RECEIVED FOR FILING
Date _____
By _____ (over)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th
Posted for: Variance
Date of Posting: October 1, 1991

Petitioner: 660 Associates General Partnership

Location of property: NW/4 Kenilworth Drive at West Road, 1/4

Kenilworth Drive, 658 Kenilworth Drive

Location of Signs: 658 Kenilworth Drive between 658 and 660

Kenilworth Drive

Remarks: S.J. Quata

Posted by: S.J. Quata
Signature _____
Number of Signs: 2

Legal Owners

A. 660 Kenilworth Drive:

660 Associates, General Partnership
c/o Heritage Properties, Inc.
515 Fairmount Avenue
Towson, Maryland 21204 (494-8955)

Signature _____
Michael J. Batsa, Jr.
For: MS Associates I, Managing General Partner
(type name)

B. 658 Kenilworth Drive:

Kenilwest Ltd. Partnership
c/o MacKenzie & Associates
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093 (821-8585)
KENILWEST LIMITED PARTNERSHIP
By: MacKenzie Properties, Inc., General Partner

Signature _____
(signature)

Clerk: F. MacKenzie, President
(type name)

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/2, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991.

THE JEFFERSONIAN,

S. Zebe Orlean

Publisher

\$13486

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CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/2, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/26, 1991.

TOWSON TIMES,

S. Zebe Orlean

Publisher

\$13486

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R-91-119.

For Item 106, comments will be made at the County Review Group meeting.

For Item 108, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

UNRECORDED

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

TO: Arnold Jablon, Director DATE: October 22, 1991
Zoning Administration and Development Management
FROM: Pat Keller, Deputy Director
Office of Planning & Zoning
SUBJECT: Clinical Associates Medical Complex

INFORMATION:

Application No. : 106
Petitioner : Heritage Properties, Inc.
515 Fairmount Avenue
Towson, MD 21204
Property Size : ± 3.98 acres
Zoning : MLR
Requested Action: 1. To permit a front yard of 3' in lieu of 40' required per section 250.1.
2. To permit a proximity of 42' more or less to a residential zone line in lieu of the required 100' per section 250.4.
3. To permit a rear yard of 5' in lieu of 40' required per section 250.3.
4. To permit a proximity of 32' more or less to a residential zone line in lieu of the required 100' per section 250.4.
5. To permit a side yard of 10' in lieu of the required 30' per section 250.2.
6. To permit (existing) offstreet parking to be within 4' of a residential zone in lieu of the permitted 25' section 250.6.
7. To permit an open structural canopy to extend into a 30' side yard 60% (18') in lieu of the permitted 25% (7.5) per section 301.1.
8. To permit direct access parking spaces on driveways in lieu of no direct access per section 409.4.
9. To permit a F.A.R. of .85 in lieu of the permitted .6 per section 250.5.

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Hearing Date : October 25, 1991

SUMMARY AND RECOMMENDATION:

The petitioner has submitted a request to allow for the infill development of a 2-story 20,000 square foot medical office building and a 5 level (plus roof top) parking garage containing 451 parking spaces.

Based upon the analysis conducted and information provided staff recommends approval of the petitioners request subject to the following conditions.

- It is staff's feeling that the proposed parking structure should be reduced by one level. The section containing what is now the roof top parking if eliminated will reduce the visual appearance of the structure. It is recognized that there is a critical need for parking, and a parking structure addresses this need in an efficient and effective manner, however the structure is approximately one level too high.
- The plan dated August 28, 1991 which was submitted to the Zoning Commissioner should be substituted with the plan which was approved at the October 3, 1991 CRG meeting. The approved CRG plan shows an increased setback for the proposed office building from Kenilworth Avenue. Staff supports the building setbacks shown in the CRG plan but not the plan submitted as part of the variance request.
- A more detailed landscape plan should be submitted to the Office of Planning and Zoning for review and approval. It should be noted that an approved plan should either meet or exceed county requirements.
- There is a great diversity between the architectural styles of the existing clinical associates building and the existing Clark McKenzie building. It is very important that the proposed medical office building imitate the McKenzie building rather than the clinical associates building. The same materials, style and treatment should be used on the proposed building as exists on the McKenzie building. Architectural drawings should be reviewed and approved by the Office of Planning and Zoning prior to the issuance of building permits for the proposed development.

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ANALYSIS:

Zoning History - The subject property received CRG approval on October 3, 1991. Staff worked closely with the petitioner at that point in time to reconcile issues of setbacks, landscaping, architectural elevations and parking structure height. The petitioner has worked diligently with the County to reach some resolution on all of these issues. The one outstanding issue to remain, however, is the height of the structure.

The subject property received MLR zoning in 1971. The zoning allowed the construction of an additional (McKenzie Building) structure with surface parking on the parcel. The MLR zone was created in 1961 to allow for the dispersion of light industrial uses including office uses. The zone allows for a building height of 60 feet within a specified height text (Sec. 249BC2R). The floor area ratio is .6 with building lot coverage of 50% of (Sec 250.5 BC2R).

The requested variances related to setbacks have been adequately addressed. The most critical setback is the building to Kenilworth Avenue. As previously mentioned the petitioner has moved the building back to what is roughly equivalent to the average of the two existing structures. The variance to the F.A.R. has been generated by the parking garage. It is staff's feeling that based upon the existing conditions (parking lot layout) and uses (medical office) of the site that structured parking is the best solution to addressing the parking needs of the site. In addition, the structured parking allows a more efficient use of the site as well as creating a larger buffer area between the clinical associates building and Kenilworth Avenue.

Site Description - The subject property contains two existing office buildings of 25,000 and 36,000 sq. ft. respectively. The larger of the buildings contains medical office uses. The existing parking lots for the buildings is dispersed and somewhat awkward, especially for traffic entering from West Road. The site is developed with buildings and grade level parking lots.

Location and Character of Area - The subject property is located at the Northeast intersection of Kenilworth Avenue and West Road. West Road is developed with a mix of office, retail automotive and elderly housing. Kenilworth Avenue is a pleasant road containing residential uses on the south side and office, institutional, retail uses on the north side. The proposed development would fit in with the character and scale of the area. The reduction of one level of the parking garage was partially based upon this existing character.

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Conformance with Zoning Regulations - The property must meet all County regulations subject to the relief being requested or previously granted.

Baltimore County Master Plan 1989-2000 - In reference to this project, the Master Plan states the following:

-Page 21, Land Use Structure, shows this area designated as a Commercial Area.

-Page 101, Land Use Plan, Central Sector shows this area as suitable for Office/Industrial uses.

-Page 21, Land Use Structure, also shows this general area as falling within the Towson Urban Center. Although not part of the area defined in the Towson Master Plan outlines a series of eight policies regarding the urban centers. Specifically, such policies state, 1. Direct new residential, service, and employment development into the Urban Centers, and 5. Ensure a high quality of design and development in the Centers so that they are attractive areas for living working and for investment.

-Page 78, Improving Design and Development Quality states as a major issue that Infill-Building in context. New development should be compatible with its surroundings.

It was based upon this information that staff requested a slightly larger setback for the proposed office building, architectural treatment, and the slightly reduced height of the parking structure.

rdn

CLNASS/TXTROZ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 24, 1996

Mr. John C. Cannella
Heritage Properties, Inc.
515 Fairmount Avenue
Towson, MD 21206

RE: Zoning Verification
660 Kenilworth Drive
9th Election District

Dear Mr. Cannella:

This letter responds to your request for a zoning determination that the following conditions exist on the above referenced site. This response is based on the provided information and a review of the approved CRG plan.

- The current zoning: M.L.R. (Manufacturing, Light, Restricted), as shown on the current 1992 1" = 200' scale zoning maps NE and NW-11 A.
- Professional offices and medical clinics are permitted uses in this zone per Section 248.1 and 241.1 Baltimore County Zoning Regulations (BCZR) and as shown on the approved CRG plan. Zoning case #92-105-A granted certain setback, parking, and floor area ratio requirement relief subject to certain restrictions. A copy of this order, taken from the approved CRG plan, is provided with this review.
- A check of the current violation files indicates no current outstanding zoning violations on site.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:rye

Printed with Recycled Ink on Recycled Paper

Gaudreau, Inc.

July 9, 1991

James E. Dyer, Zoning Supervisor
Baltimore County Zoning Department
111 West Chesapeake Avenue
Towson, MD 21204

RE: Kenilworth Drive Office and Parking Garage
Towson, MD

Dear Mr. Dyer:

Bob Krebs and I met with you on June 27, 1991. The purpose of the meeting was to review the preliminary concept plan and identify required zoning variances on the referenced project. The required variances were identified and are listed herein and the details and locations are shown on the attached plan.

- Proposed Parking Garage** - (Refer Notes 1 & 2 on Plan)
Zoning Section 250.3 - Rear Yard Variance of 8' instead of required 100'.
Zoning Section 250.4 - Proximity of structures to residential zones, variance of 8' instead of required 100'.
Zoning Section 250.6 - Off street parking variance of 8' instead of required 25'.
Zoning Section 250.2 - Side yard variance of 8' instead of required 30'.
2. **Proposed Office Building** - (Refer Notes 5 & 6 on Plan)
Zoning Section 250.1 - Front Yard Variance of 3' instead of 40' required.
Zoning Section 250.4 - Proximity of structures to residential zone, variance of 43' instead of 100' required.

Gaudreau, Inc. / 810 Light Street / Baltimore, Maryland 21230 / 301-837-5040

July 9, 1991
Page 2

- Floor Area Ratio** - (Refer Note 7 on Plan)
Section 250.5 - Floor area ratio variance of 0.85 instead of 0.6 permitted.
- Provide a covered walkway connecting proposed parking garage, proposed office building and existing 658 office building. (Refer Note 8 on Plan).
- Eliminate Existing lot line between lot 660 and 658, and re-subdivide to make one lot. (Refer Note 3 on Plan).

I believe the above is an accurate summary of our understanding. If there are any questions or adjustments to the above, please advise. If you are in agreement, please indicate where noted below.

Very truly yours,
GAUDREAU...Architects

Sheh Shastri
Sheh Shastri, AIA
Senior Associate

Accepted:

By: James E. Dyer
Zoning Supervisor

Date:

cc: Heritage Properties - Attention: Mike Batza
G.W. Stevens Office - Attention: John Smith

Enclosure - Concept Plan Drawing Dated 7/9/91.

Gaudreau, Inc.

July 9, 1991

Gaudreau, Inc.
Architects
Planners
Engineers

James E. Dyer, Zoning Supervisor
Baltimore County Zoning Department
111 West Chesapeake Avenue
Towson, MD 21204

RE: Kenilworth Drive Office and Parking Garage
Towson, MD

Dear Mr. Dyer:

Bob Krebs and I met with you on June 4, 1991. The purpose of the meeting was to clarify the following zoning definitions and to review the preliminary concept plan for zoning compliance on the referenced project.

1. Gross Site Area - Shall include area of the entire site plus 50% R/W area of the abutting Kenilworth Drive and West Road.
2. Floor Area Ratio (0.6) - Shall be 0.6 of the gross site area.
3. Lot Coverage (50%) - Shall be 50% of the gross site area.
4. The CRG process and the zoning variance process will take approximately three to four months, from the date of application.
5. There is no requirement for amenity open space in the "MLR" zoning.
6. We understand that the previously acquired zoning variances on Lot 660 and 658 Kenilworth Drive will be transferred with the land ownership.

92-105-A

RECEIVED

ZONING OFFICE

Gaudreau, Inc./810 Light Street/Baltimore, Maryland 21201/301-837-5040

July 9, 1991
Page 2

I believe the above is an accurate summary of our understanding. If there are any questions or adjustments to the above, please advise. If you are in agreement, please indicate where noted below.

Very truly yours,
GAUDREAU...Architects
Shesh Shastri, AIA
Senior Associate

Accepted:
By: James E. Dyer
Zoning Supervisor
Date: _____

xc: Heritage Properties - Attention: Mike Batza
G.W. Stevens Office - Attention: John Smith
Enclosure - Concept Plan Drawing Dated 7/9/91.

92-105-A

Zoning History
Clinical Associates Medical Complex
658-660 Kenilworth Drive
(Petition for Zoning Variance)
Item No.: 106 (filed 8/28/91)

1. Case No. 80-88SPH (Special Hearing to interpret section 248.1 of the BCZR to include a bank as a permitted use in MLR zone) **GRANTED**
2. Case No. R-79-265 (Reclassification from DR5.5 to MLR) **GRANTED**
3. Case No. 79-110A (Variances for front yard setback, distance to DR16 and DR5.5 zones, FAR of .623 and parking within 0 feet of residential zone line.) **GRANTED**
4. Case No. 78-260ASPH **WITHDRAWN**
5. Case No. 66-158-ASPH **DISMISSED**

ZONEHIST.FJC

92-105-A

Petitioners Sign in:

Rob Hoffman

210 Allegheny Ave 21204

Mike Batza

515 FARMONT AVE 21204

DAVID RHODES

JACK CARROLL

WES GUCKERT

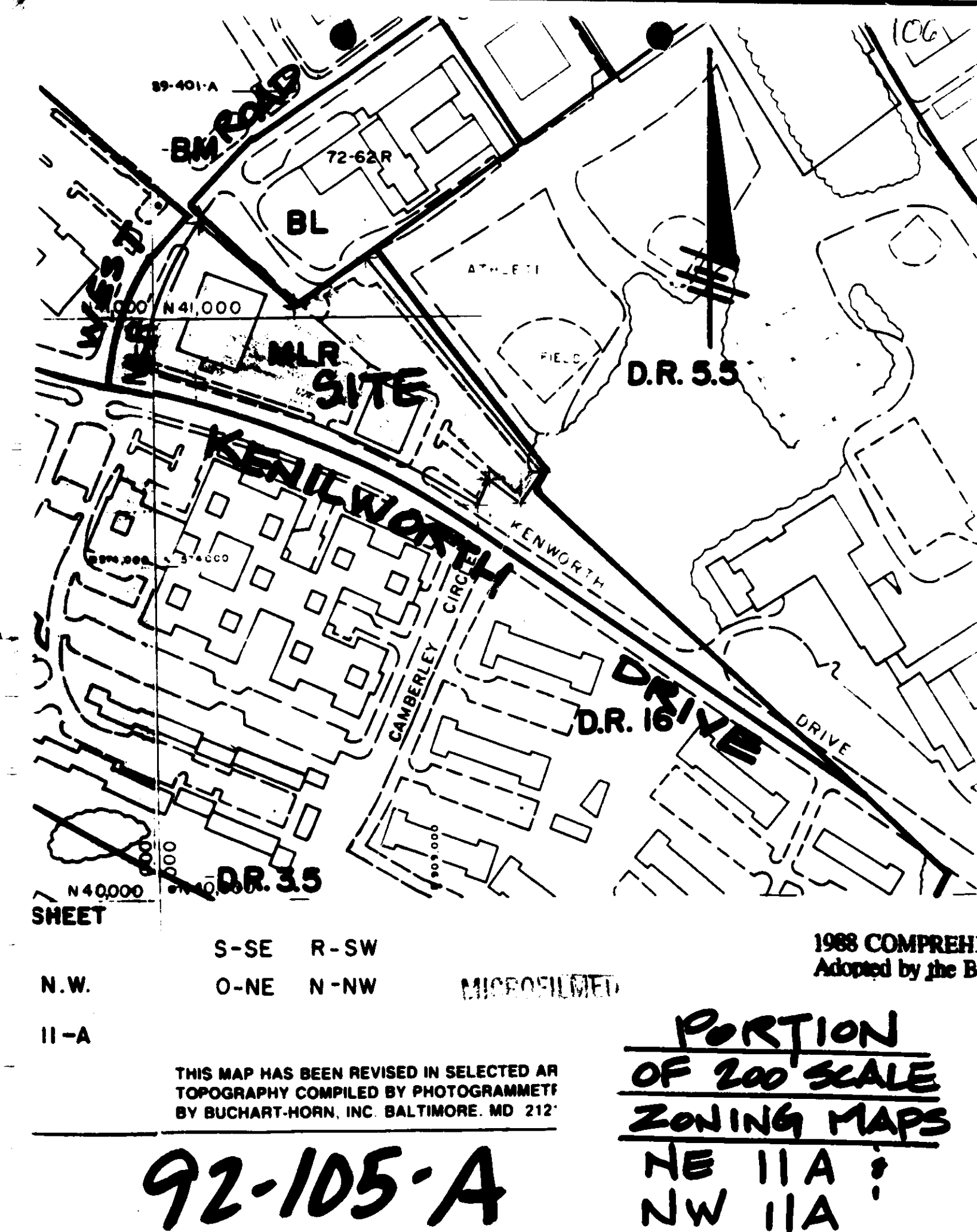
Suite 600 40 W CHESAPEAKE AVE
TOWSON MD 21204

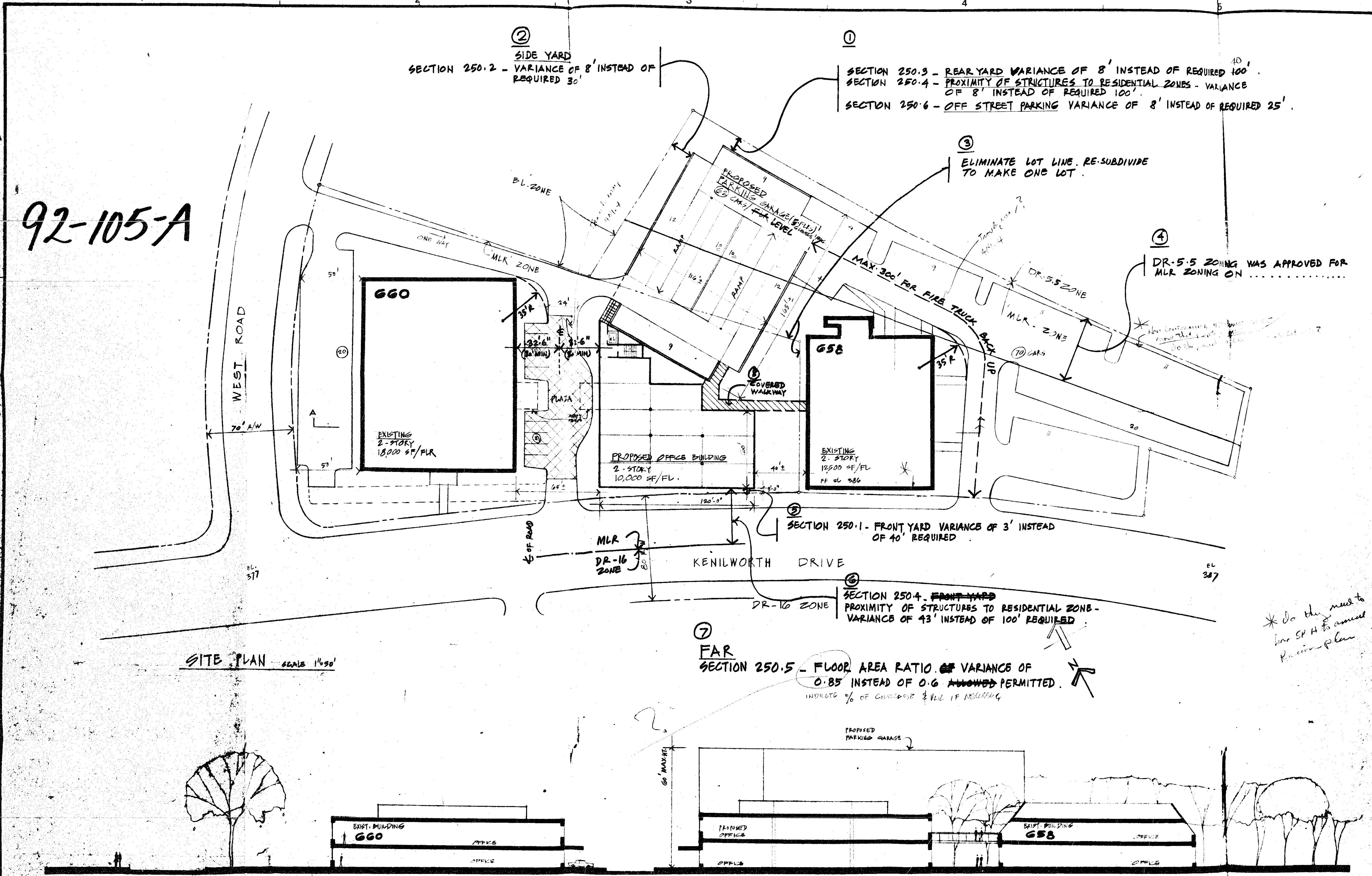
JIM KLINE

G.H. STEPHENS
658 KENILWORTH DR
21204

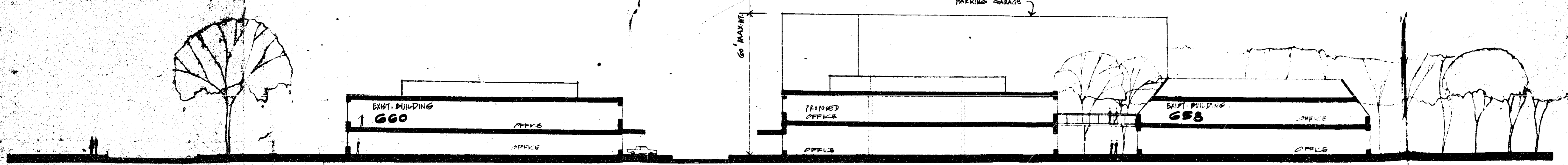
SHESH SHASTRI

GAUDREAU, INC.
ARCHITECTS, PLANNERS, ENGR.
810 LIGHT ST.
BALTIMORE, MD. 21201





SITE PLAN SCALE 1"=50'



ZONING - MLR

MAXIMUM LOT AREA	8.332 AC (145,403 SF)
MAXIMUM BLDG HEIGHT	80'
PARKING REQUIRED	2.3/1000
STREETS	
FRONT YARD	
SIDE YARD	
REAR YARD	
RESIDENTIAL	

SITE DATA

LOT AREA	8.332 AC (145,403 SF)
GROSS	4.178 AC (181,994 SF)
FAR ALLOWED	0.6 = 109,197 SF
FAR PROPOSED	1.05 = 182,000 SF
FAR PROPOSED (VARIANCE)	0.85 = 161,055 SF
NEW OFFICE BUILDING	FRONT 3' INSTEAD OF 40'
PARKING GARAGE	SIDE 0' INSTEAD OF 40'
	REAR 0' INSTEAD OF 100'

REQUIRED ZONING VARIANCES



810 Light Street Baltimore Maryland 21230

No.	Date	Description
REVISIONS		

KENILWORTH DRIVE
OFFICE BUILDING

PROJECT NO.	9115
DATE	6/10/91
DWG NO.	7/9/91

MICROFILMED